

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 23-1575V

LUIS GUZMAN,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: August 5, 2024

Ramon Rodriguez, III, Sands Anderson PC, Richmond, VA, for Petitioner.

Sarah B. Rifkin, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On September 13, 2023, Luis Guzman filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that he suffered a left shoulder injury related to vaccine administration (“SIRVA”) after receiving a tetanus, diphtheria, and acellular pertussis (“Tdap”) vaccination on November 1, 2020. Petition at 1. Petitioner further alleges he had no history of pain, inflammation, or dysfunction specific to his left shoulder in the months immediately prior to vaccination; pain occurred within forth-eight hours after receipt of the Tdap vaccination; pain was limited to the shoulder in which the vaccine was administered; no other condition or abnormality has been identified to explain Petitioner’s shoulder pain, and that Petitioner has suffered the residual effects of his condition for more than six

¹ Because this Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims’ website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

months. See *generally* Petition. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 21, 2024, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, Respondent states that based on the record as it now stands, Petitioner has satisfied all legal prerequisites for compensation under the Act. *Id.* at 6.

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master